

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 02 – DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701-0790

Docket No. **02-0303-9901**, Rules Governing Pesticide and Chemigation Use and Application. Combines Pesticide Use and Chemigation chapters into one chapter; adds 2 crops to the list of non-food crops; provides for consistent licensing by issuing two-year Pesticide Dealer Licenses; and revises the aquatic weed applicator category to more accurately reflect activities in this licensing category. Comment By: 10/28/99.

Docket No. **02-0304-9901**, Rules Governing Chemigation. Repeal of chapter. Comment By: 10/28/99.

Docket No. **02-0414-9901**, Rules Governing Dairy Waste. Incorporates by reference several documents; defines certified planner; redefines non-compliance and livestock waste; incorporates nutrient management plans, nutrient management standards, certification and inspection procedures into permit; includes approval of construction and operation of waste management systems in permit and certification sections; and make non-substantive corrections. Comment By: 10/28/99.

Docket No. **02-0503-9901**, Rules for Administration of Agricultural Water Quality Cost-Share Program for Idaho - (Soil Conservation Commission). Sets guidelines for establishing, implementing and administering program that provides financial assistance to eligible applicants to reduce or control agricultural non-point source water pollution. Comment By: 10/28/99.

IDAPA 05 – DEPARTMENT OF JUVENILE CORRECTIONS PO Box 83720, Boise, ID 83720-0285

Docket No. **05-0101-9901**, Rules of the Department of Juvenile Corrections. Repeal of chapter. Comment By: 10/27/99.

Docket No. **05-0101-9902**, Rules of the Department of Juvenile Corrections and Standards for Private Contract Providers. Rewrite of chapter defines standard operating procedures for private contract providers with the Department. Comment By: 10/27/99.

Docket No. **05-0102-9901**, Rules of the Department of Juvenile Corrections, Secure Juvenile Detention Facilities. New chapter updates rule to facilitate use and compliance by local governments, updates quality assurance review procedures, and deletes inapplicable or out-dated standards. Comment By: 10/27/99.

IDAPA 07 – DIVISION OF BUILDING SAFETY 277 N. 6th St., Boise, Idaho 83720

Docket No. **07-0101-9901**, Rules Governing Electrical Inspection Tags. Requires that Electrical Bureau receive inspection tags within seven (7) calendar days. Comment By: 10/27/99.

Docket No. **07-0103-9901**, Rules of Electrical Licensing and Registration – General. Adds provisions for specialty electrical trainees; removes references to application fees and renewal fees; updates terminology; and redefines electrical contracting work. Comment By: 10/27/99.

Docket No. **07-0104-9901**, Rules Governing Electrical Specialty Licensing. Adds manufacturing or assembly equipment as an electrical specialty. Comment By: 10/27/99.

Docket No. **07-0104-9902**, Rules Governing Electrical Specialty Licensing. Establishes requirements for specialty electricians and specialty electrical trainees. Comment By: 10/27/99.

Docket No. **07-0105-9901**, Rules Governing Examinations. Clarifies authority of the board and administrator; and consolidates references to passing scores into a new section. Comment By: 10/27/99.

Docket No. **07-0312-9901**, Rules Governing Manufactured Home Installations. Provides an updated and comprehensive installation standard and incorporates by reference industry developed standards intended for statewide use in Idaho. Comment By: 10/27/99.

IDAPA 08 – BOARD OF EDUCATION /DEPARTMENT OF EDUCATION PO Box 83720, Boise ID 83720-0037

Docket No. **08-0106-9901**, State Student Incentive Grant Program. Changes to program conform to the federal changes to the Leveraging Educational Assistance Partnership program and renames chapter. Comment By: 10/27/99.

Docket No. **08-0202-9901**, Rules Governing Uniformity. Makes certification changes to the Administrator Certificate; the Early Childhood/Early Childhood Special Education Blended Certificate; the School Nurse endorsement; and the Family and Consumer Sciences endorsement. Comment By: 10/27/99.

Docket No. **08-0204-9901**, Rules Governing Charter Schools. Changes date for calculating unused allotments of charter schools to June 1 of each year rather than October 1 to conform with Idaho Code. Comment By: 10/27/99.

IDAPA 09 – DEPARTMENT OF LABOR

317 W. Main St., Boise, ID 83735

Docket No. **09-0130-9902**, Rules of the Benefits Bureau. Defines a week of full-time employment for a claimant using industry standards. Comment By: 10/28/99.

Docket No. **09-0135-9901**, Rules of the Employer's Account Bureau. Provides that a limited liability company which has elected to be treated as a partnership will not have to pay unemployment tax on any of the remuneration paid to its members; and provides that a limited liability company shall have the same tax status for purposes of Idaho's unemployment tax as it has for the IRS. Comment By: 10/28/99.

Docket No. **09-0601-9901**, Rules Governing Physical Examination Requirements and Procedures for Paid Firemen. Repeal of chapter. Comment By: 10/28/99.

Docket No. **09-0602-9901**, Rules Governing Minimum Medical and Health Standards for Paid Firemen. Repeal of chapter. Comment By: 10/28/99.

Docket No. **09-0603-9901**, Rules Governing Minimum Mental Examination Requirements for Paid Firemen. Repeal of chapter. Comment By: 10/28/99.

Docket No. **09-0604-9901**, Rules Governing Minimum Physical Performance Standards Test. Repeal of chapter. Comment By: 10/28/99.

IDAPA 11 – DEPARTMENT OF LAW ENFORCEMENT

PO Box 1177, Meridian, ID 83680-1177

Docket No. **11-1101-9901**, Rules of the Idaho Peace Officers Standards and Training Council. Updates and alphabetizes the definitions of terms; updates duties and procedures of the Council to reflect additions and changes within the program. Comment By: 10/27/99.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

PO Box 83720, Boise, ID 83720-0036

Docket No. **16-0208-9901**, Vital Statistics Rules. Changes delete the restriction on the surname of a child born out of wedlock. Comment By: 10/27/99.

Docket No. **16-0301-9902**, Rules Governing Eligibility for Medicaid for Families and Children. Removes the requirement that Medicaid participants cooperate in obtaining cash child support. Comment By: 10/27/99.

Docket No. **16-0304-9901**, Rules Governing the Food Stamp Program in Idaho. Changes gross and net income limits; restarts the ABAWD eligibility counter; deletes Work Opportunity site participation for ABAWDs to regain eligibility; changes the one-time TAFI diversion payment from countable income to a resource; adds new armed services housing allowance as earned income; adds tribal gaming income as a recurring lump sum; changes aggregate allotments to be allowed for expedite eligible households only; adds guardianship payments to be counted the same as foster care payments; deletes sexual orientation or marital or family status from the discrimination criteria. Comment By: 10/27/99.

Docket No. **16-0309-9907**, Rules Governing Medical Assistance. Clarifies and modifies the Private Duty Nursing authorization process to include parents, providers, the doctors and Department staff in determining whether the child meets criteria for PDN services and how many hours will be paid for by Medicaid; rennumbers rule sections and changes terminology. Comment By: 10/27/99.

Docket No. **16-0309-9908**, Rules Governing Medical Assistance. Numerous changes made in the waiver rules that effect the Developmental Disabilities Waiver and the ISSH Waiver. Comment By: 10/27/99.

Docket No. **16-0309-9909**, Rules Governing Medical Assistance. Changes prudent lay-person definition of an emergency medical condition; adds Personal Care Services Case Management to list of services exempt from the Healthy Connections referral requirement. Comment By: 10/27/99.

Docket No. **16-0309-9910**, Rules Governing Medical Assistance. Rennumbers and reformats sections; adds clinical nurse practitioner to description of practitioner of the healing arts and physician extender; clarifies when transportation services

can be provided and parallels clarification in recent Federal guidelines; changes record retention requirement. Comment By: 10/27/99.

Docket No. **16-0309-9911**, Rules Governing Medical Assistance. Clarifies qualifications of individuals providing mental health services and physician oversight for protection of mentally ill individuals. Comment By: 10/27/99.

Docket No. **16-0309-9912**, Rules Governing Medical Assistance. Adds Intensive Behavioral Intervention as a new service. Comment By: 10/27/99.

Docket No. **16-0309-9913**, Rules Governing Medical Assistance. Adds Intensive Behavioral Intervention to 3 sections in the rule: Developmental Disability Agency, Mental Health Rehabilitative Services and School Based Services. Comment By: 10/27/99.

Docket No. **16-0320-9901**, Rules Governing Electronic Payments (EP) Of Public Assistance, Food Stamps And Child Support. Renames chapter; provides that participants access their benefits through EP and that Child Support payments are made through EP; provides that participants who receive child support payments through EP are solely liable for the first fifty dollars (\$50) of their unauthorized fund use; adds definition of EP Vendor; repeals policy on stale benefit accounts; provides time limit for availability of unused benefits; provides that Food Stamp benefits converted to cash when EP benefits cannot be used, must be used within seven (7) days; deactivation of EP card must be done by the Customer Service Center of the EP Vendor; participant can change his PIN by contacting the Department or the Customer Service Center of the EP Vendor. Comment By: 10/27/99.

Docket No. **16-0411-9801**, Rules Governing Developmental Disabilities Agencies. Allows for alternate qualifications for Developmental Specialists to allow for a broader variety of degrees but requires a competency course and requires additional requirements for those working with children. Comment By: 11/30/99.

Docket No. **16-0411-9902**, Rules Governing Developmental Disabilities Agencies. Proposes a new service called Intensive Behavioral Intervention for children age 21 and under that prepares them for developmental and other types of therapy delivered by DDAs. Comment By: 10/27/99.

Docket No. **16-0414-9901**, Rules Governing the Low Income Home Energy Assistance Program. Increases the percent of poverty used to calculate maximum allowable income for eligibility; adds the formula for computing Low Income Home Energy Assistance Program benefits; and revises the name of the procedural manual used as an instructional guide for completing the application. Comment By: 10/27/99.

IDAPA 17 – INDUSTRIAL COMMISSION PO Box 83720, Boise, ID 83720-0041

Docket No. **17-0405-9901**, Accreditation of Asbestos Workers. Renames chapter; deletes course content requirements for asbestos accreditation that are now mandated by federal law and regulation. Comment By: 10/27/99.

Docket No. **17-0602-9901**, Boiler and Pressure Vessel Safety Rules – Administration. Incorporates by reference the 1997 amendments to the American Society of Mechanical Engineers (ASME) Controls and Safety Devices for Automatically Fired Boilers (CSD-1). Comment By: 10/27/99.

IDAPA 18 – DEPARTMENT OF INSURANCE PO Box 83720, Boise, ID 83720-0043

Docket No. **18-0127-9901**, Self-Funded Employee Health Care Plans. Removes reference to an exemption from registration for plans with less than 500 members as per Idaho Code; deletes obsolete language and adds sections relating to agency interpretations, administrative appeals and plan qualification. Comment By: 10/27/99.

Docket No. **18-0144-9901**, Schedule of Fees, Licenses, and Miscellaneous Charges. Repeal of chapter. Comment By: 10/27/99.

Docket No. **18-0144-9902**, Schedule of Fees, Licenses, and Miscellaneous Charges. Rewrite of chapter changes fee structure for insurers doing business in Idaho to a single, annual fee. Comment By: 10/27/99.

Docket No. **18-0153-9901**, Continuing Education. Reduces CE requirements for experienced, licensed insurance agents licensed in less than 4 lines of insurance and have been in insurance business for more than 6 years; allows use of carryover CE credits to meet half of the CE requirement; clarifies that Director can approve exceptions and extensions for CE requirements; and removes requirement that CE programs relate to the areas of expertise covered by the licensee's license. Comment By: 10/27/99.

Docket No. **18-0160-9901**, Long-Term Care Insurance Minimum Standards. Repeal of chapter. Comment By: 10/27/99.

Docket No. **18-0160-9902**, Long-Term Care Insurance Minimum Standards. Provide requirements for all long term care insurance contracts in compliance with Idaho Code and federal law. Comment By: 10/27/99.

Docket No. **18-0170-9901**, Rule to Implement the Small Employer Health Insurance Availability Act Plan Design. Removes cap on chiropractic services and imposes cap on reimbursement for certain types of medical services regardless of who provides services. Comment By: 10/27/99.

Docket No. **18-0172-9901**, Rule to Implement the Individual Health Insurance Availability Act. Removes and corrects Idaho Code references, and removes unnecessary wording. Comment By: 10/27/99.

Docket No. **18-0173-9901**, Rule to Implement the Individual Health Insurance Availability Act Plan Design. Removes cap on chiropractic services and imposes a cap on reimbursement for certain types of medical services regardless of who provides services. Comment By: 10/27/99.

IDAPA 23 – BOARD OF NURSING
PO Box 83720, Boise, ID 83720-0061

Docket No. **23-0101-9901**, Rules of the Board of Nursing. Provides standards, criteria, and curriculum requirements for nursing education programs. Comment By: 10/27/99.

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES
1109 Main Street, Suite 220, Boise, Idaho 83702

Docket No. **24-0101-9901**, Rules of the Board of Architectural Examiners. Limits use of a seal on drawings not personally prepared by the architect or his staff; ties definition of contract administration to contract used by the owner and architect; and changes reference to the handbook that provides information for minimum qualifications for applicants applying for examination. Comment By: 10/27/99.

Docket No. **24-0201-9901**, Rules of the Board of Barber Examiners. Makes equivalent of tenth grade education to be any test approved by the US Dept. of Education; deletes language regarding student daily hours; deletes that schools must maintain monthly records on Bar-40 and Bar-41 forms and that they must submit monthly Bar-40 forms; adds schools shall maintain student records for 2 years and that they may file a letter of explanation as to why student hours are not verified by the school. Comment By: 10/27/99.

Docket No. **24-0301-9901**, Rules of the State Board of Chiropractic Physicians. Increases application fee to \$250; deletes obsolete examination rules; makes it applicant's duty to take and pass the national board examinations. Comment By: 10/27/99.

Docket No. **24-0801-9901**, Rules of the State Board of Morticians. Allows mortician applicant's to work under supervision until passing the examination. Comment By: 10/27/99.

Docket No. **24-0802-9901**, Rules of the State Board of Morticians Governing Crematories in Idaho. Requires that each crematory must maintain records on a crematory log as adopted by the board. Comment By: 10/27/99.

Docket No. **24-0901-9901**, Rules of the Board of Examiners of Nursing Home Administrators. Exam fee will be that charged by the national examining entity; locations and times of exam shall be determined by entity administering the national exam; state exam shall be a take-home exam; applicants shall certify they understand and will abide by the state law and rules governing Nursing Home Administrators and facilities; deletes examination fee; establishes original application fee. Comment By: 10/27/99.

Docket No. **24-1001-9901**, Rules of the State Board of Optometry. Provides for licensure by endorsement if an applicant holds a current license, in good standing, in another state with requirements similar to Idaho including therapeutic privileges; applicant must pass the "Treatment and Management of Ocular Disease Examination" and the Idaho law exam; applicant must have been engaged in the practice of optometry continuously for not less than the last 5 years; deletes residency requirement. Comment By: 10/27/99.

Docket No. **24-1101-9901**, Rules of the State Board of Podiatry. Corrects reference to the American Podiatry Association to the American Podiatry Medical Association; deletes requirement of a personal interview of applicants by the board; changes exam dates to third Monday of July; deletes practical and/or oral exam; and changes board meetings to coincide with examination dates. Comment By: 10/27/99.

Docket No. **24-1601-9901**, Rules of the Idaho State Board of Dentistry. Changes exam dates from Monday to Friday; Board will designate time and place of exam; changes application filing date to 90 days prior to examination; establishes an inactive licensure status and fee of \$50; clarifies the 2 year internship must be as a denture lab technician; adds correspondence and home study courses are not eligible for continuing education credit; deletes current CPR card requirement; and redefines denture technician. Comment By: 10/27/99.

Docket No. **24-1701-9901**, Rules of the State Board of Acupuncture. New chapter establishes rules for Acupuncture licensure. Comment By: 10/27/99.

Docket No. **24-1801-9901**, Rules of the Real Estate Appraisers Board. Allows a certified residential appraiser 30 months, and a certified general appraiser 36 months, to accumulate the required hours of real estate experience. Comment By: 10/27/99.

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION
PO Box 83720, Boise, ID 83720-0074

Docket No. **31-0000-9901**, Legislative Action Affecting PUC Rule Chapters 31.02.01, 31.11.01, 31.46.01, 31.46.02, 31.81.01. Changes conform to legislative action taken in the 1999 session which repealed the Motor Carrier Act (Sections 61-801 through 61-818, Idaho Code) and restructured the Public Records Act (Section 9-340, Idaho Code). Comment By: 10/27/99.

Docket No. **31-0101-9901**, Rules of Procedure of the PUC. Eliminates and amends citations to repealed and amended legislation; changes procedures for the receipt, safeguarding and handling of trade secrets and other confidential information and evidence and testimony exempt from public disclosure; allows Commission to serve copies of its Orders and Notices electronically at the request of parties; allows for service of Notices of Modified Procedure and Notices of Applications upon counties affected by such pleadings; other housekeeping changes. Comment By: 10/27/99.

Docket No. **31-2102-9901**, Information to Customers of Gas, Electric and Water Public Utilities. Amends requirement that utilities make available brief written summaries of testimony to be offered at all Commission hearings; relaxes and clarifies requirement that summaries be prepared for all hearings; when requesting a rate increase, its summary shall address the utility's need for additional revenue, the dollar amount requested, and the proposed percentage increase or decrease for each major customer group; Intervenor in Commission cases shall also be required to make brief written summaries available. Comment By: 10/27/99.

Docket No. **31-4101-9901**, Telephone Customer Relations Rules. Sets out methodology for calculating amount of deposits a local exchange company may collect when billing for long-distance telephone service. Comment By: 10/27/9.

Docket No. **31-4102-9901**, Information to Customers of Telephone Companies. See summary in Docket 31-2102-9901. Comment By: 10/27/99.

Docket No. **31-4201-9901**, The Title 62 Telephone Corporation Rules. Allows Commission to serve copies of Order and Notices electronically at the request of the company to be served; long-distance telephone companies will be required to provide their electronic mailing addresses, if applicable. Comment By: 10/27/99.

Docket No. **31-4601-9901**, Universal Service Fund Rules. Clarifies rate calculation for one-party single-line residence and business service for Universal Service Fund recipients in order for the participating companies to continue to receive funding. Comment By: 10/27/99.

IDAPA 33 – IDAHO REAL ESTATE COMMISSION
PO Box 83720, Boise, ID 83720

Docket No. **33-0101-9901**, Rules of the Idaho Real Estate Commission. Increases bi-annual licensing fees; lowers required amount of errors and omissions insurance coverage for independently-obtained "firm" policies. Comment By: 10/28/99.

IDAPA 35 – IDAHO STATE TAX COMMISSION
800 Park, Plaza IV, Boise, ID 83722

Docket No. **35-0101-9902**, Income Tax Administrative Rules. Changes references relating to Idaho source income; clarifies how Idaho source income is determined when an individual exercises stock options; rennumbers existing rules. Comment By: 10/27/99.

Docket No. **35-0103-9904**, Property Tax Administrative Rules. Deletes equation appendix and puts it in rule. Comment By: 10/27/99.

Docket No. **35-0201-9902**, Administration and Enforcement Rules. Provides for the calculation of the rate of interest due for the next calendar year, or portion thereof, upon any deficiency, or payable upon an overpayment or refund. Comment By: 10/27/99.

IDAPA 36 – IDAHO STATE BOARD OF TAX APPEALS
PO Box 83720, Boise, ID 83720-0088

Docket No. **36-0101-9901**, Rules of the State Board of Tax Appeals. Conforms to changes in the recodification of Title 63; recent legislation affecting the Board of Tax Appeals operations; and to record the procedures relating to most contested case proceedings before the agency. Comment By: 10/27/99.

IDAPA 37 – DEPARTMENT OF WATER RESOURCES

PO Box 83720, Boise, ID 83720-0098

Docket No. **37-0101-9901**, Rules of Procedure of the IDWR. Conforms to Idaho Code by adding authority for the filing of documents by electronic means including the use of electronic signatures; updates department address information; adds provision allowing for additional time after service by mail; authorizes receipt of payments by credit card; clarifies when answers are required to be filed to pleadings; requires advance notice to appear as a public witness; describes authority of hearing officers; addresses ex parte communications, procedures for authorizing discovery and seeking sanctions, and conduct at hearings; provides for notice of default for failure to attend hearings or to provide requested information; and provides requirements for the contents of department orders. Comment By: 11/5/99.

Docket No. **37-0310-9901**, Well Driller Licensing Rules. Repeal of chapter. Comment By: 10/28/99.

Docket No. **37-0310-9902**, Well Driller Licensing Rules. Rewrite of chapter conforms to statutory changes. Comment By: 11/5/99.

IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO

PO Box 83720, Boise, ID 83720-0078

Docket No. **59-0104-9901**, Disability Rules of PERSI. Repeal of chapter. 10/27/99.

Docket No. **59-0104-9902**, Disability Rules of PERSI. Rewrite updates rules to reflect statutory changes and to clarify certain issues, including the disability application and assessment process. Comment By: 10/27/99.

PUBLIC HEARINGS - Public Hearings have been scheduled for the following dockets:

Board of Education and Department of Education

Docket No. **08-0106-9901**, State Student Incentive Grant Program.

Docket No. **08-0202-9901**, Rules Governing Uniformity.

Department of Health and Welfare

Docket No. **16-0309-9912** and **16-0309-9913**, Rules Governing Medical Assistance.

Docket No. **16-0411-9801** and **16-0411-9902**, Rules Governing Developmental Disabilities Agencies.

Department of Insurance

Docket No. **18-0144-9902**, Schedule of Fees, Licenses, and Miscellaneous Charges.

Idaho Real Estate Commission

Docket No. **33-0101-9901**, Rules of the Idaho Real Estate Commission.

Idaho Department of Water Resources

Docket No. **37-0101-9901**, Rules of Procedure of the IDWR.

Docket No. **37-0310-9902**, Well Driller Licensing Rules.

Please refer to the Idaho Administrative Bulletin, **October 6, 1999, Volume 99-10** for notices and text of all rulemakings, public hearing schedules, governor's executive orders, and agency contact names.

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